

R e m a r k s

Claims 1 – 27 are pending in the application.

Claims 1 – 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Seaman et al. (U.S. No. 6,611,502 B1, hereinafter Seaman).

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the

original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. §102

Claims 1 – 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Seaman. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. Seaman fails to teach or suggest each and every element of Applicants' independent claim 1.

Applicants' claim 1 recites the following steps:

- a) sending notification to one or more second bridges in the network of the first bridge being scheduled for updating, thereby disturbing the first state;
- b) updating said first network bridge;
- c) restoring the first state of the network; and
- d) sending notification to the one or more second bridges of the network that the updating of the first bridge has been completed

(emphasis added). The Examiner suggests that the above named steps are taught by Seaman, col. 2, lines 51 – 60 (see Office Action, page 2). Applicants respectfully disagree.

More specifically, the cited portion states:

In a network of bridges which have a topology managed according to the spanning tree protocol, whenever a bridge detects a change in topology, such as for example when an active link fails, the bridge notifies the root of the active topology with a bridge protocol data unit BPDU packet. The protocol entity at the root of the topology then communicates the change to all of the bridges in the tree. Upon receiving such a notification, the bridges time-out their forwarding databases on all ports, recreate the topology and relearn the MAC addresses for the forwarding databases (emphasis added).

Applicants note that the Examiner does not clearly indicate which element of Seaman teaches content of Applicants' notification, i.e., the "the first bridge being scheduled for updating." However, because Seaman only describes bridges being notified about the topology change, Applicants assume that the Examiner equates the detected change in Seaman with Applicants' information about scheduled updating of the first bridge. Applicants believe that such an interpretation is improper because notifying that a

bridge is about to be updated is not the same as notifying that there is a change in the topology of the network, even if that change is associated with a particular bridge. The cited portion merely describes that a bridge notifies a root about the detected change and the root in turn notifies the rest of the bridges about the same change. However, there is no discussion about whether a particular bridge is about to be updated.

Second, assuming that Seaman discloses Applicants' updating process and the bridges being informed about the process with respect to a particular bridge, the cited portion does not teach or suggest that such a process has been scheduled. Nowhere does Seaman use a term related to "schedule." In contrast, because the only notifications disclosed by Seaman are about a detected topology change, such as a failure of active link, any process caused by such a change is inherently unscheduled.

Third, because Seaman discloses a topology change, Seaman cannot teach Applicants' restoring step. Seaman describes a method allowing the network to continue functioning properly even though a component of the network has failed. More specifically, upon detecting a failure, the network topology is re-created. However, the re-created network topology is not the same topology as it was before the failure has occurred. This is entirely different from Applicants' embodiment of claim 1, where a first state, i.e., the state in the network prior to update of the first bridge, is being restored.

Finally, the cited portion simply does not describe what happens after the network topology has been re-created. Accordingly, even assuming that Seaman teaches (a) – (c) steps of Applicants' claim 1, Seaman cannot teach or suggest (d) step of Applicants' claim 1. As such, independent claim 1 is not anticipated by Seaman and is allowable under 35 U.S.C. §102.

Independent claims 16 and 26 recite limitations similar to those recited in independent claim 1 and, at least for the same reasons, are also not anticipated by Seaman and are allowable under 35 U.S.C. §102. Furthermore, because all of the dependent claims depending from independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Seaman under 35 U.S.C. §102.

Therefore, the rejection should be withdrawn.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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